

**SACRAMENTO POLICE DEPARTMENT  
ADMINISTRATIVE PENALTY APPEAL HEARING  
RECORD OF DECISION**

**IN THE MATTER OF:**

**SPD REPORT #:** 18-105879

**APPELLANT:** Thanh Vo & Anh Nguyen

**VIOLATION ADDRESS:** 6370 Fruitridge Rd.

**SACRAMENTO CITY CODE SECTION(S):** 8.132.040

**PROPOSED ADMINISTRATIVE PENALTY:** \$337,500

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**HEARING EXAMINER:** Camille Dixon

**HEARING DATE:** November 1, 2018

This matter was heard at a noticed public hearing. The following witnesses submitted a written explanation, appeared and/or testified at the hearing on behalf of either the City or the Appellant as noted below. Any written materials submitted with the protest or at the hearing were reviewed by the Hearing Examiner and are on file in the offices of the City of Sacramento.

**City Staff:** Officer Jesus Trejo – Sacramento Police Department

**Appellants:** Thanh Vo & Anh Nguyen

**TESTIMONY SUMMARY**

**City Staff:**

Sacramento Police Department (SPD) Officer Trejo testified that on March 26, 2018, the SPD received information regarding possible illegal cannabis cultivation occurring at 6370 Fruitridge Road in Sacramento, California. This property is owned by the Thanh Vo and Anh Nguyen.

During Officer Trejo's investigation he found that Thanh Vo and Anh Nguyen have owned 6370 Fruitridge Rd since March 13, 2003. He also stated that per Sacramento County Parcel Viewer, the property was transferred to their Revocable Trust on October 31, 2013.

On April 11, 2018 the SPD executed a search warrant at 6370 Fruitridge Road. Inside the residence officers located 681cannabis plants. Officer Trejo also stated that this property is a single-story home where several of the rooms were being used to cultivate marijuana, the front door and windows were fortified, and there was a second enclosed patio in the back which was used for storage and cannabis plants were also in this room. Photos were taken at the scene.

Pursuant to SCC 8.132.050 (E)(1), an administrative penalty in the amount of \$337,500 (i.e., \$500 per plant over six plants) was issued to the owner of the property for a violation of SCC 8.132.040(B). The citation was posted at the residence. The City Attorney also mailed a copy of the administrative penalty to the property owner. The administrative penalty in this case is appropriate due to the potential high proceeds to be gained from the cultivation of illegal cannabis.

### **Deputy City Attorney:**

Deputy City Attorney Emilio Camacho asked the owner how they found their tenant, when the property was last inspected, and did they know that their tenant was from New York.

### **Appellant:**

Property owners Thanh V. Vo and Anh Nguyen testified that this is an investment property, they began renting it in 2010, and they moved from Elk Grove to San Jose in 2015 to take care of Ms. Nguyen's mother. They submitted a copy of her mother's medical record to show that she had lung cancer, had surgery in early 2018, and needed on-going treatment in the Bay Area. The property has been registered with the City of Sacramento Rental Housing Program since mid-2015. It passed City inspections on November 17, 2015 and March 23, 2016, and they submitted copies. They submitted copies of the signed lease agreement dated December 1, 2016. The rent was \$2,300 per month and the tenant deposited the rent directly into their bank account. The tenants are Jishun Yang and son (age 22) Yiyi Wang. The tenant worked at a restaurant. They did a walkthrough with Mr. Wang on April 01, 2017 and walked through the front door and didn't see any suspicious activities at the property. They said that Mr. Wang said his mother was sleeping in the back room so they couldn't inspect the entire house. They did see plant containers in the back patio room, but they thought they may be used for their business. They planned to conduct another routine inspection in April 2018; however, they could not contact the tenants. The May rent had not been paid. They were unaware that there was high SMUD bills because the tenant paid the utilities.

Ms. Nguyen claims that on May 7, 2018, when she went to the property to collect rent she saw the "Dangerous Building Notices". Prior to the administrative penalty invoice she received on June 25, 2018 dated May 23, 2018, she claims she did not receive any other information or letters from the City of Sacramento regarding the illegal activity or the administrative penalty.

Anh Nguyen stated that they did not conduct a background or credit check of the new tenant because the previous tenant referred them to this tenant. She also stated that she never knew that their tenants were from New York.

They stated that the cost to fix their home was substantial and that the work was completed in June of 2018. They submitted a copy of their City permit.

### **FINDINGS OF FACT:**

After examining the evidence submitted and arguments offered by City staff, the appellant and witness, if any; the owner's efforts, or lack thereof, to comply with the City Code; the staff time and costs incurred in investigating the violation; the extent, if any, to which the fine or penalty would impose a substantial economic hardship; the seriousness of the violation; the Hearing Examiner hereby makes the following findings:

- A. The Administrative Penalty was properly issued and served.
- B. The Appellants conducted routine inspections of their property, had it registered was a rental with the City, and it passed City inspections when the prior tenant resided there. The prior tenant recommended renting to last tenant, who was employed, and they conducted an inspection after they rented the property to the new tenants.
- C. The Administrative Penalty will be reduced to \$100,000 due to the Appellant's economic hardship.

### **DECISION:**

**The Administrative Penalty issued on April 11, 2018 in the amount of \$337,500 shall be reduced to \$100,000.**

**IT IS SO ORDERED:**

**Dated: November 27, 2018**

  
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Camille Dixon  
Hearing Examiner

**PAYMENT:** ✓ Applicable   ☐ Not Applicable

See enclosed invoice.

If the administrative penalty is not paid within the time specified, it may be made a personal obligation of the responsible party, and if applicable may also be made a lien against the property on which the violation occurred, and may be made a special assessment collected at the same time and in the same manner as ordinary secured property taxes are collected.

**APPEAL**

If you desire to seek judicial review of the Hearing Examiner's decision, you must file a petition for judicial review with the Sacramento County Superior Court no later than the 90th day following the date of this decision. (California Code of Civil Procedures Section 1094.5 & 1094.6)

**PROOF OF SERVICE BY CERTIFIED MAIL**  
(CCP § 1013a, 2015.5)

I, Sharon Chand, declare that:

I am a citizen of the United States, over the age of 18 years, not a party to the cause and employed in the County of Sacramento, California. My business address is 915 I Street, Second Floor, Sacramento, California 95814.

I am familiar with the City of Sacramento's business practice for collection and processing of correspondence for mailing with the United States Postal Service on the same day that it is deposited for collection and mailing, in the ordinary course of business.

On November 27, 2018, I served the following notice:

**SACRAMENTO POLICE DEPARTMENT  
ADMINISTRATIVE PENALTY APPEAL HEARING  
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along with a copy of this Proof of Service by Certified Mail on the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Sacramento, California, addressed as follows:

Thanh V. Vo / Anh T.H. Nguyen Revocable Trust  
109 S. 21st St.  
San Jose, CA 95116

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed in Sacramento, California, on November 27, 2018.

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Sharon Chand

**SPD Report #:** 18-105879  
**Violation Address:** 6370 Fruitridge Rd.